

*Matthew Kapcia*

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May 25, 2016

Senate Regulatory Reform Committee  
124 W Allegan St  
Lansing MI 48933

Honorable Committee Members,

Please accept and consider the attached proposed changes to Senate Bill No. 963.

Although not extensive, these few changes will refine some of the language in the bill, and also clarify some of the responsibilities of the plumbing trade.

Thank you for your time and consideration.



Matthew Kapcia



# SENATE BILL No. 963

Changes proposed by Matthew Kapcia

May 25, 2016

Matthew Kapcia  
32408 Rosenbusch Dr.  
Warren, MI 48088  
586-216-6808

Licensed Master Plumber  
Licensed Plumbing Contractor  
Cross Connection Inspector - City of Troy  
ASSE (American Society of Sanitary Engineering)  
    Certified Backflow Assembly Tester  
    Certified Backflow Testing Instructor  
    Certified Backflow Testing Proctor  
Board member -Michigan Chapter of the American Backflow Prevention Association  
Board member -ASSE of Southeastern Michigan  
Advisory Council - Boys & Girls Club of Southeastern Michigan, Shelby Twp.

***[Proposed Changes are highlighted in yellow background.]***

***[Clarifications are in blue.]***

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6 Sec. 311. Unless otherwise provided in a specific article of this act, all of the following apply to the meetings of a board:

8 (a) A board shall meet as often as necessary to fulfill its duties under this act, but shall meet at least 2 [4] times a year and at other dates set by the director.

[Realistically, boards should meet at least 4 times per year to be effective.]

Page 35 - Sec. 537

4 (e) The proposed penalties or actions required for compliance, including the payment of a fine in an amount that does not exceed ~~\$100.00~~ [\$1,000.00] for each violation.

Page 67 - Sec. 803

22 (c) "Process piping" means any piping which is not part of a system designed to provide [medical gas,] air conditioning or of a refrigeration system. Process piping includes, but is not limited to, pipes that transfer chemicals and other fluids, gases, or vapors for systems other than air conditioning systems as covered by the Michigan mechanical code or an equivalent nationally recognized model mechanical code.

[Medical Gas is covered under the plumbing code and law. This change differentiates between medical gases in medical facilities and other types of gases used in industrial process piping.]

Page 110 - Sec. 1101

21 (e) "Journey plumber" means an individual, other than a plumbing contractor or master plumber, who is qualified to engage in the practical installation [and maintenance] of plumbing and who is licensed as a journey plumber.

Sec. 1103

26 (a) "Master plumber" means an individual who possesses the necessary skills and qualifications to plan and supervise the installation [and maintenance] of plumbing and who is licensed as a master plumber.

[Maintenance is an integral part of a plumber's job as described in the definition of "plumbing"; also in Sec. 1103 of this bill. (see next page)]

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Page 111 - Sec. 1103

1

2 (b) "Minor repair" means a repair that involves only the  
3 clearance of [drain] stoppages, [and the] repair, or replacement of  
4 a faucet or valve [clarification of language.]

5 or reinstallation of that same plumbing fixture and does not  
6 involve making any modifications to the plumbing system, or  
7 residential domestic water treatment and filtering equipment.

8 Minor repair does not include any of the following:

9 (i) The repair or replacement of a backflow preventer and  
10 air admittance valves.

11 (ii) A repair or replacement that is only a part of a larger  
12 or major renovation or repair.

13 (c) "Plumbing" means the practice, materials, and fixtures, in  
14 or adjacent to a building, structure, or premises, used in the  
15 installation, [maintenance], extension, [testing,] or alteration of all  
16 piping, [testing of supply and drainage installations and  
17 existing systems are a part of a plumber's job and is covered  
18 extensively in section 312 of the Michigan Plumbing Code, so it  
19 should be incorporated into the bill to clarify that plumbers are  
20 responsible for testing their new and existing installations.]

21 fixtures, plumbing appliances, or plumbing appurtenances, as  
22 defined in the state construction code, in connection with the  
23 sanitary drainage or storm drainage facilities, plumbing venting  
24 systems, medical gas systems, backflow preventers, and public or  
private water supply systems.

25 (d) "Plumbing contractor" means a licensed master plumber or a  
26 person who employs a licensed master plumber full-time to directly  
27 supervise the installation [and maintenance] of plumbing as his or  
28 her representative  
29 engaged in the business of plumbing for a fixed sum, price, fee  
30 percentage, valuable consideration, or other compensation and who is  
31 licensed as a plumbing contractor.

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Page 113-114

**3** Sec. 1107. (1) A person shall not engage in or work at the business of a plumbing contractor, master plumber, journey plumber, or apprentice plumber unless that person is licensed or registered under this article. Except as provided in subsections (2) and (3), only a licensed master or journey plumber shall perform plumbing. A licensed master plumber shall be in charge and responsible for proper installation **[, maintenance]** and conformance with the state construction code. Plumbing shall not be performed unless the plumbing contractor who is responsible has obtained a permit **[, if required,]** from the state or a governmental subdivision authorized to issue permits.

**[Not all plumbing work requires a permit.]**

**13** (2) A license under this article is not required to perform any of the following work:

Page 114

~~**3** e) The installation of medical gas piping, if the installation is performed under the supervision of a licensed plumbing contractor.~~

**[Medical Gas Piping in medical facilities is a very important Life & Safety issue and should be treated accordingly, and should be installed by licensed professionals.]**

Page 115-116 - Sec. 1111

**25 (page 115)** (5) If a license is issued to a plumbing contractor represented by a master plumber, the plumbing contractor and the master plumber are jointly and severally responsible for exercising the supervision or control of the plumbing operations necessary to secure full compliance with this article, the rules promulgated under this article, and all other laws and rules related to the installation **[and maintenance]** of plumbing.

**5 (page 116)** (6) Both a person, unless the person is a plumbing contractor, and the master plumber are jointly and severally responsible for exercising the supervision or control of the plumbing operations necessary to secure full compliance with this article, the rules promulgated under this article, and all other laws and rules related to the installation **[and maintenance]** of plumbing.



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Page 116-117

23 Sec. 1113. (1) The department shall issue a master plumber's license to an individual who is at least 18 years old and who does all of the following:

5 (page 117) (d) Holds a journey plumber license issued under this article or former 2002 PA 733 and has gained 4,000 hours of experience in work as a journey plumber over a period of not less than 2 years immediately preceding the date of his or her application.

[In the past, licenses have been denied to those that have not been working "immediately" prior to the application for the license. This is unfair. If a person has the knowledge and experience, that person should be allowed to sit for examination. Perhaps the current language can be changed to say "not less than 2 years, but no more than 7 years".]

Page 123

1           Sec. 1123. An individual who is licensed under this article  
2 and employed or acting as a plumbing inspector shall not engage in  
3 ~~or be directly or indirectly connected with, the plumbing business,~~  
4 ~~including, but not limited to, the furnishing of labor, materials,~~  
5 ~~or appliances for the construction, alteration, or maintenance of a~~  
6 ~~building or the preparation of plans or specifications for the~~  
7 ~~construction, alteration, or maintenance of a building, and shall~~  
8 ~~not engage in~~ any work that conflicts with his or her official duties.

[This is currently a restraint of trade and an unfair practice because the inspectors in other trades are able to work in their respective trades. This is unfair to single out the plumbing inspectors. What applies to one group should apply to all groups. As mandated in Sec. 1017.2 of this Bill, Inspectors cannot inspect their own work. That is a fair rule that should apply to all inspectors equally and should be the only limitation.]

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### Current Board Make-up

Board Members	Electrical	Mechanical	Boiler	Plumbing	Officials
Architect or Engineer		1	1		1
Chief Inspector	1	2			3
Contractor	1		2	2	1
Dept. Director - Voting			1	1	
Energy Producing Public Utility		1			
Energy Supplier-Electrical	1				
Fire Marshall	1	1			
General Public	1	1	1	1	2
Insurance Inspection Bureau	1		1		
Journeyman	1			1	1
Manufacturers Representative	1		2		
Master	1			1	
Material Distributor Rep	1				
MDEQ				2	
Organized Labor Rep		1	2		
Owners Reps			4		
Small business Rep					1
Work Classification Reps		8			
Board Members	10	15	14	8	9
Dept. Director - No Vote	1				
Total Board Members	11	15	14	8	9

Quorum	?	8	7	?	?
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**[Change Section 301 as appropriate]**

## Proposed Board Make-up

Board Members	Electrical	Mechanical	Boiler	Plumbing	Officials
Chief Inspector	1	1	1	1	1
Contractor	1	1	1	1	1
Engineer	1	1	1	1	1
Fire Marshall	1	1	1	1	1
General Public	1	1	1	1	1
Insurance Inspection Bureau	1	1	1	1	1
Journeyman	1	1	1	1	1
Manufacturers Representative	1	1	1	1	1
Master	1	1	1	1	1
Organized Labor Rep	1	1	1	1	1
Small business Rep	1	1	1	1	1

Dept. Director - Voting			0	0	
Energy Producing Public Utility		0			
Energy Supplier-Electrical	0				
Material Distributor Rep	0				
MDEQ				0	
Owners Reps			0		
Work Classification Reps		0			
Board Members	11	11	11	11	11
Dept. Director - No Vote	1	1	1	1	1
MDEQ - No Vote				1	1
Total Board Members	12	12	12	13	13

Quorum	6	6	6	6	6
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**[The make-up of the boards varies widely. This change would standardize the board make-up.]**

